

Amendments to Senate Bill No. 326
1st Reading CopyDate 2-21-07Bill No. SB 326

Requested by Senator Trudi Schmidt

For the Senate Public Health, Welfare and Safety Committee

Prepared by Susan Byorth Fox
February 21, 2007 (12:16pm)

1. Title, line 9.

Following: "PROSECUTION"**Insert:** "AND A CIVIL PENALTY"

2. Page 1, line 18.

Strike: "residents"**Insert:** "addresses"

3. Page 1, line 25.

Following: "information is"**Insert:** "health care information, as defined in 50-16-504, is"**Following:** "confidential"**Insert:** ", "

4. Page 1, line 28 through line 29.

Following: "agencies" on line 28**Strike:** remainder of line 28 through line 29**Insert:** "when authorized by a search warrant;"

5. Page 2, line 16.

Following: line 15**Insert:** "(4) The information collected in the database may not
be used for any commercial purpose."**Renumber:** subsequent subsections

6. Page 2, line 16.

Following: "in"**Strike:** "a criminal or"**Insert:** "any"**Following:** "proceeding"**Insert:** "other than in an administrative proceeding related to
the licensure or discipline of a practitioner. The fact
that particular information is contained in the database may
not be used as evidence in a criminal proceeding"

7. Page 2, line 22.

Following: line 21**Insert:** "(7) No later than 3 years after the date that the
patient's prescription data was made available to the board,
the board shall purge the gathered information from the

database unless the information is being used as part of an active investigation."

Renumber: subsequent subsections

8. Page 2, line 25.

Following: "database."

Insert: "The rules must be consistent with the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPPA), 42 U.S.C. 1320d, et seq., and administrative rules adopted in connection with that act."

9. Page 4, line 2.

Following: "sanctions"

Insert: "-- civil penalty"

10. Page 4, line 17.

Following: line 16

Insert: "(4) Any person or entity that is not permitted to receive information from the database pursuant to [section 1] and that knowingly or willfully obtains, discloses, or uses the information gathered in the database without written authorization from the patient is liable for a civil penalty not to exceed \$250,000 for each violation."

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